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10 IN THE UNITED STATES DISTRICT COURT
11 FOR THE EASTERN DISTRICT OF CALIFORNIA

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13 UNITED STATES OF AMERICA,) CASE NO. CR.S-03-005-EJG
14 Plaintiff,)
15 v.) ORDER RE: RESTITUTION
16 ALYN RICHARD WAAGE,)
17 Defendant.)
18 _____)

19 This matter came on for a status conference on May 6, 2005.
20 The United States was represented by Assistant U.S. Attorney John
21 K. Vincent. Defendant Alyn Richard Waage was represented by
22 Assistant Federal Defender Matthew Bockmon.

23 Having heard from the parties, and GOOD CAUSE APPEARING
24 THEREFORE, the Court finds that given this case's complexities,
25 including the number of investors in this fraudulent scheme, the
amount of funds invested, and the existence of a referral program
whereby investors were paid for enticing new investors, it is not
possible at this time, or in the near future, for either the
government or the probation officer to ascertain each victim and
the amount of each victim's loss with sufficient exactitude. For

1 that reason, the Court declines to make a restitution order in
2 this case pursuant to 18 U.S.C. § 3663A(c)(3).

3 IT IS SO ORDERED.

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5 DATED: May 6, 2005

6 /s/ Edward J. Garcia _____
7 EDWARD J. GARCIA
Senior U.S. District Judge

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